

Exhibit 5

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

SIG SAUER, INC., CHECK-MATE
INDUSTRIES, INC., CHECK-MATE
INTERNATIONAL PRODUCTS, INC.,
NORDON, INC., and THOMAS PIERCE
d/b/a PIERCE DESIGN

Plaintiffs,

v.

FREED DESIGNS, INC.,

Defendant.

DEFENDANT'S INFRINGEMENT
CONTENTIONS UNDER S.R. 5.1

Civil Action No.: 1:14-cv-461

Attached please find Defendant Freed Designs, Inc.'s ("FD") infringement contentions under S.R. 5.1, served previously in the earlier filed Central District of California Case: *Freed Designs, Inc. v. Sig Sauer, Inc.*, CV13-09570-ODW(AGRx).

Dated: April 16, 2015

DAVIS & BUJOLD, P.L.L.C.

By



Michael J. Bujold (NH Bar No. 0388)

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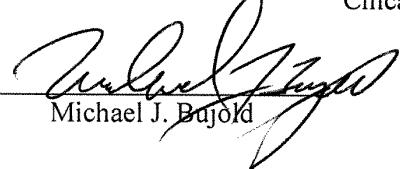
Attorney for Defendant Freed Designs, Inc.

CERTIFICATE OF SERVICE

I, Michael J. Bujold, hereby certify that a copy of Defendant's Infringement Contentions Under S.R. 5.1, including this document and the referenced document, were served on Plaintiffs' attorneys, by United States mail, postage prepaid, at the addresses set forth below, on this April 16, 2015:

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14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA
16
17 WESTERN DIVISION

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22 FREED DESIGNS, INC.,

23 Plaintiff,

24 vs.

25 SIG SAUER, INC.,

26 Defendant,

27 Case No. 2:13-cv-09570-ODW-AGR

28 **PLAINTIFF'S DISCLOSURE OF
ASSERTED CLAIMS AND
INFRINGEMENT CONTENTIONS
PER NORTHERN DISTRICT OF
CALIFORNIA PATENT LOCAL
RULES 3-1 AND 3-2**

29
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31
32 In accordance with the requirements of Rules 3-1 and 3-2 of the Northern
33 District California Patent Local Rules, Freed Designs, Inc. (hereinafter "FD")
34 provides the following information reasonably available to it at this time to
35 Defendant.

36 FD is continuing its investigation as to relevant documents and witnesses and
37 will, as necessary, disclose further documents and witnesses in a timely manner.
38 FD reserves the right to supplement, revise, correct, clarify, or otherwise amend the

39 FD's Rule 26(a)(1) Initial Disclosures
Case No. 2:13-cv-09570-ODW-AGR

1 information disclosed, consistent with the Federal Rules of Civil Procedure and any
2 applicable orders of the Court, including after FD receives and reviews any
3 applicable discovery or other information from third parties or from Defendant.

4 By making these disclosures, FD does not waive any applicable privilege or
5 work product protection and expressly reserves its right to object to the production
6 of any of the information identified herein on those grounds. FD also reserves its
7 right to object to the admissibility of any of the information disclosed below.

8 Subject to these reservations, FD provides the following information.

9 **3-1. Disclosure of Asserted Claims and Infringement Contentions:**

- 10 a. Claims 1 and 4 of U.S. Patent No. 6,928,764 ("the '764 patent") are being
11 infringed under 35 U.S.C. §271(a).
- 12 b. Sig Sauer's P238 and P938 grip extenders are infringing claims 1-4 of the
13 '764 patent.

14 **c. CHARTS**

15 **CLAIM I**

A grip extender in combination with a handgun comprising: a handgun using a variety of different model magazines, a grip extender with symmetrical interior side walls, an exterior front wall configured to a user's grip, and a rear wall, for use with the handgun magazine to fill a gap between the magazine and the handgun, with said magazine having an open top for loading ammunition cartridges and a closed bottom for containing said ammunition	Exhibit 1 shows labeled FD product "XGRIP 238." The XGRIP 238 has all elements of claim 1: magazine, extender/collar, front wall, rear wall, tangs, ribs, floor plate and closed bottom.
	Exhibit 2 shows labeled SS product "Extended Grip 938." The Extended Grip 938 has all elements of claim 1: magazine, extender/collar, front wall, rear wall, tangs, ribs, floor plate and closed

1	cartridges, said closed bottom ending in a floor plate, of determinable thickness, with a lower surface and an upper surface, with said floor plate also having a peripheral surface larger than a peripheral surface of a corresponding body of the magazine, said grip extender further comprising:	bottom. Exhibit 3 shows labeled SS product "Extended Grip 238." The Extended Grip 238 has all elements of claim 1: magazine, extender/collar, front wall, rear wall, tangs, ribs, floor plate and closed bottom.
10	a) one-piece collar slideably mounted from the open top of said magazine and subsequently seated at the closed bottom of said magazine thereby substantially filling any gap resulting from a length of the magazine protruding from a handgun when said magazine is engaged into said handgun, said collar having a size and shape sufficient to elastically receive and grip the magazine and magazine floor plate thereby securely retaining the collar and having at least one pair of opposed tangs oriented inward from the interior side walls of the collar; and	
27	b) further comprising at least one pair of opposed ribs, said ribs oriented inward from the interior side walls of	

1 2 3 4 5 6 7 8 9 10 11 12 13	<p>the collar, with a bottom shoulder of said ribs distanced above the tangs, said distance approximately equal the determinable thickness of the magazine floor plate; and</p> <p>c) when sliding the grip extender into its final position on the magazine a step of the said tangs engages the lower surface of the floor plate and captures the corresponding upper surface of floor plate against said the bottom shoulder of the opposed ribs.</p>	
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CLAIM 4

15	The grip extender [of] claim 1 further	SS Extended Grip 238 and SS
16	comprising a lower surface	Extended Grip 938 have a lower
17	depending below the magazine floor	surface depending below the
18	plate thereby protecting said	magazine floor plate. See Exhibits 2
19	magazine from impacts with surfaces	and 3.
20	when the magazine is released from a	
21	handgun during reloading.	
22		

- d. Not applicable.
- e. For each element of each asserted claim, the element is literally present in the accused products.
- f. Claims 1 and 4 of the '764 patent claim priority of provisional application no. 60/194,981, filed on April 5, 2000 and continuation-in-part of

1 application no. 09/827,578, filed on April 5, 2001.

2 g. FDI "XGRIP 238"

3 h. Defendant had no good faith belief that the '764 patent was invalid or not
4 infringed when Defendant began copying.

5 **3-2. Document Production Accompanying Disclosure:**

6 a. N/A

7 b. Plaintiff has prototypes for Defendant to see.

8 c. A copy of the file history for the patent in suit is attached as Exhibit A.

9 d. A copy of the assignment for the patent in suit is attached as Exhibit B.

10 e. See enclosed charts, showing Plaintiff's products

11
12 Dated: May 19, 2014

/s/ Patrick F. Bright

13 Patrick F. Bright

14 WAGNER, ANDERSON & BRIGHT, PC

15 Attorneys for Plaintiff Freed Designs, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2014, a copy of the foregoing **PLAINTIFF'S**
DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT
CONTENTIONS PER NORTHERN DISTRICT OF CALIFORNIA
PATENT LOCAL RULES 3.1 AND 3.2 was served via e-mail on the following:

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Dated: May 19, 2014 /s/ Patrick F. Bright
Patrick F. Bright

EXHIBIT 1

EXHIBIT 1A

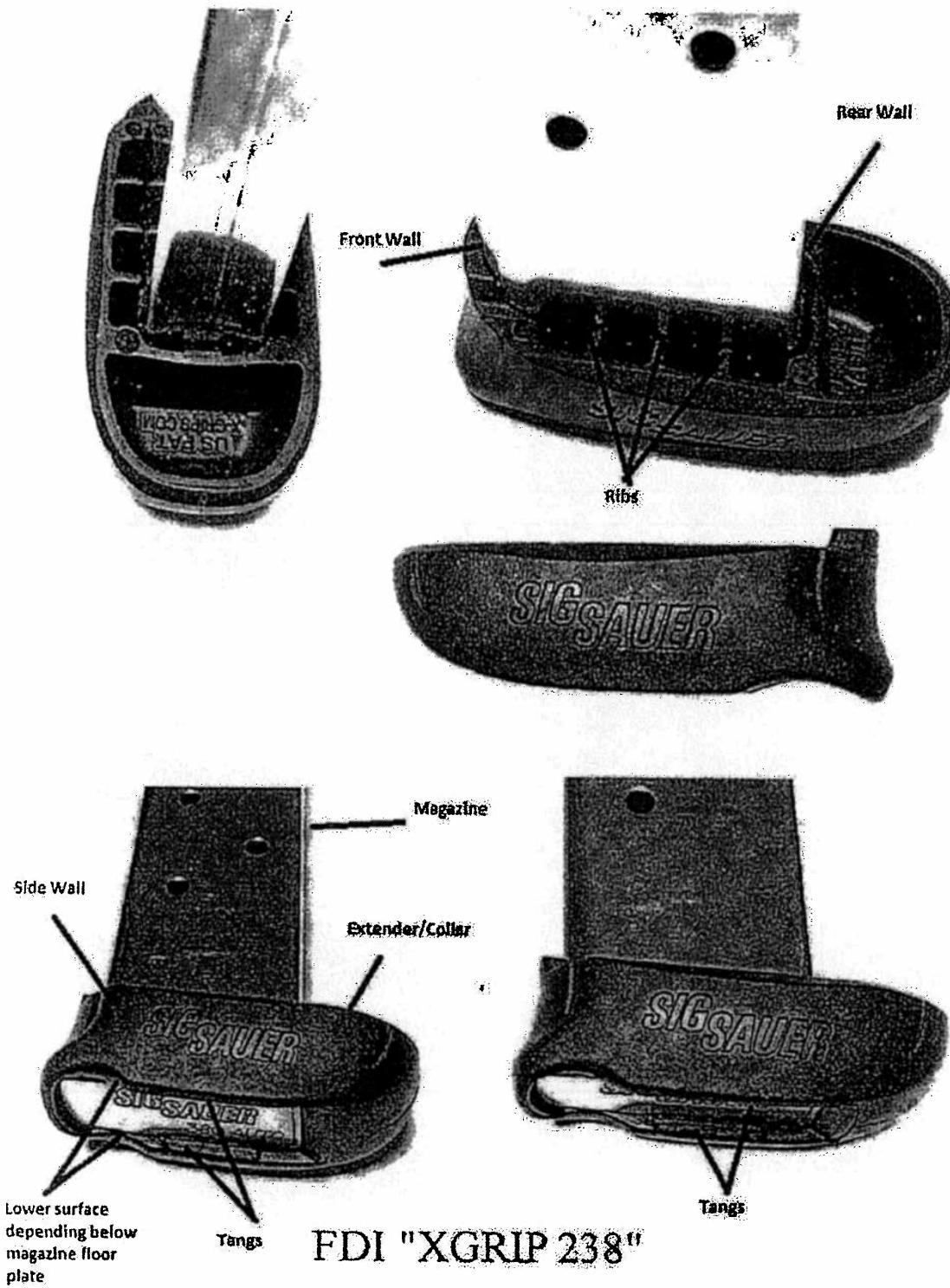
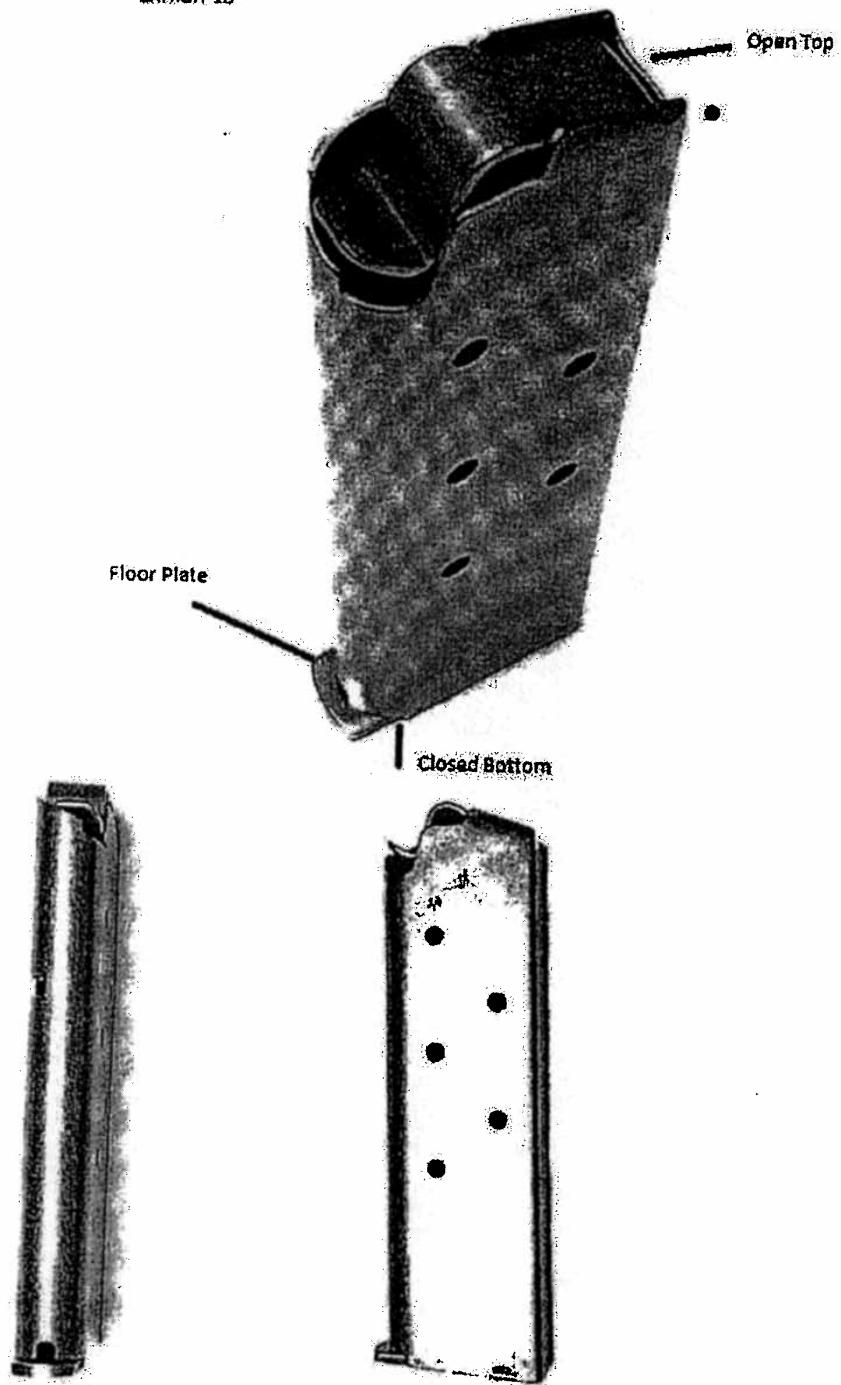


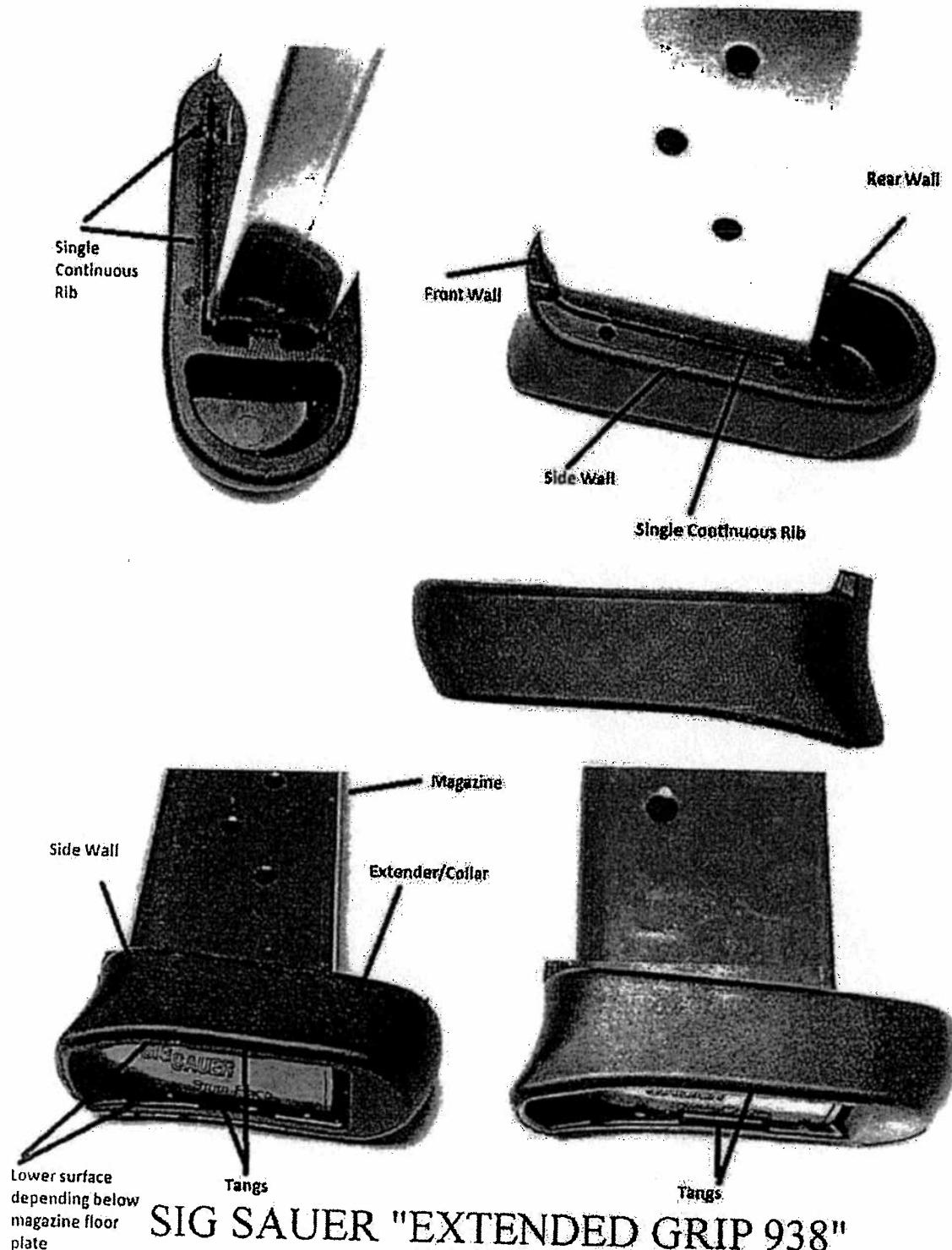
EXHIBIT 1B



OPEN TOP MAGAZINE

EXHIBIT 2

Exhibit 2



SIG SAUER "EXTENDED GRIP 938"

EXHIBIT 3

Exhibits

